

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING**
239 Causeway Street, Room 417A
Boston, MA 02114

Minutes of the Regularly Scheduled Board Meeting
Wednesday, November 12, 2014

Board Members Present

S. Kelly, CNP, Chair
K. Gehly, CNP, Vice Chair
M. Beal, CNM
J. Killion, LPN
B. Levin, RN
A. Peckham, RN
C. Simonian, PharmD, RPh
S. Taylor, RN
C. Tebaldi, CNP
C. Urena, LPN

Board Members Not Present

A. Alley, RN
P. Gales, RN
E. Richard Rothmund, Public Member
C. Tebaldi, CNP

Board Staff Present

R. Harb, RN, Executive Director
K. Ashe, RN, Nursing Education Coordinator
O. Atueyi, JD, Board Counsel
H. Cambra, RN, JD, Complaint Resolution Coordinator
D. M. DeVaux, RN, SARP Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
K. Fishman, Probation Monitor
K. Keenan, Licensing Coordinator
V. Iyawe, RN, SARP Coordinator
S. Sherman, RN, MPRS & Probation Coordinator
C. Silveira, RN, Assistant Director
M. Strachan, JD, Board Counsel
L. Talarico, CNP, Nursing Practice Coordinator
T. Westgate, Paralegal

Board Staff Not Present

Guests

See attached list.

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 9:00 a.m., S. Kelly, Chairperson, called the 11/12/14 Regularly Scheduled Board Meeting to order.

12/11/2014 12 Nov 14 Regular Minutes (Approved 12-10-14)

(Approved 12/10/14)

TOPIC:

Approval of Agenda

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by J. Killion, and unanimously passed to approve the agenda as presented.

TOPIC:

Approval of Board Minutes for the October 8, 2014 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by M. Beal, and unanimously passed to accept the Minutes of the October 8, 2014, Regularly Scheduled Board Meeting.

TOPIC:

Reports

A. Executive Director's Report

B. Staff Report

1. Deputy Executive Director
2. Policy and Research
3. Practice
4. Education
5. Complaint Resolution
6. SARP

DISCUSSION:

A. Executive Director's Report: Members reviewed R. Harb's previously distributed memo and noted that the Vacancy Posting deadline for the Deputy Executive Director has been extended.

B. Staff Reports:

1. No report
2. No report
3. Members reviewed L. Talarico's previously distributed memo. Ms. Harb noted that Ms. Talarico has been providing outreach to a variety of organizations related to the revised regulations at 244 CMR 4.00: *Advanced Practice Registered Nursing*.
4. Members reviewed K. Ashe's previously distributed memo. Members were provided an overview to security measures, testing modalities, and technology as it relates to candidates' experiences taking the NCLEX-PN or NCLEX-RN licensure exam.
5. Members reviewed A. Fein and H. Cambra's previously distributed memo
6. Members reviewed V. Iyawe's and D.M. DeVaux's previously distributed report.

ACTION:

- A. So noted.
- B. So noted.
- C. So noted.

TOPIC:

Consensus Agenda

- A. NCSBN Update
- B. Coalition for the Prevention of Medical Errors Update
- C. 2014 Quarter 3 NCLEX Reports

DISCUSSION:

- A. Members reviewed L. Talarico's previously distributed memo. Ms. Gehly requested that the Board members receive a copy of the article "Nurses' Shift Length and Overtime Working in 12 European Countries" that was noted in the report. Ms. Talarico will forward the link to Board members today and include a copy in the Board packet for future reference.
- B. Members reviewed L. Talarico's previously distributed memo in which she reported that the Coalition does not place its Report on its website for public review. The report will continue to be placed in the Board packet for those members who would like to review it. Ms. Talarico noted that the Board's Advisory Ruling 1401: *Enhancing the Disclosure of Unanticipated Outcomes* was included on page of the October, 2014 Coalition Report.
- C. Members reviewed Ms. Ashe's previously distributed report. Ms. Ashe noted that the 2014 year to date NCLEX-RN® performance of first-time writers declined compared to the same time period in 2013. However, noting that the NCLEX-PN® passing standard had increased effective April 2014, she also highlighted that the 2014 year to date NCLEX-PN® performance of first-time writers was comparable to the same time period in 2013 (89.53% for year to date, 2014, compared to 91.88% for year to date, 2013).

ACTION:

- A. Accepted by consensus
- B. Accepted by consensus
- C. Accepted by consensus

TOPIC:

Education

- A. 244 CMR 6.04(1)(c) and (1)(f) Administrative Changes
 - 1. Blackstone Valley Regional Technical School
 - 2. Blackstone Valley Regional Technical School
 - 3. Blue Hills Vocational Technical School
 - 4. Springfield Technical Community College
- B. 244 CMR 6.05(3) Full Approval Status Applications
 - 1. Bay State College RN Associate Degree Program
 - 2. Bunker Hill Community College Practical Nursing
- C. 244 CMR 6.06(2) Onsite Survey Waiver Requests
 - 1. American International College, RN Baccalaureate Program
 - 2. Laboure College, RN Associate Degree Nursing
- D. MassBay Community College RN Associate Degree Program Review of Program Stability
- E. Licensure Policy 06-01: Proposed Revision

DISCUSSION:

- A. Members reviewed K. Ashe's previously distributed memo.
- B. 1. Members reviewed S. Varghese's previously distributed memo which was presented by Ms. Silveira. Dr. Kathleen Tracey, Dean, Bay State College Nursing Program, was present to respond to Board Member questions. In response to Ms. Gehly's inquiry, Dr. Tracey clarified that the 29 full time and 77 adjunct faculty actually represent the total number employed by the institution. She also clarified that page 12 of her 2012 and 2013 NCLEX performance evaluation report (evaluation report) should correctly read that faculty will test content in the Mental Health, Maternal Child and Pharmacology nursing courses at slightly *higher* levels. Dr. Tracey also explained that, as reported on page 9 of the evaluation report, three additional full-time faculty have been appointed and that there is currently one full-time faculty vacancy which she anticipates filling in January 2015; in the event she is unable to, she plans to use adjunct faculty to fill the position.
- B. 2. Members reviewed K. Ashe's previously distributed memo. Demetra M. Phair, RN, MSN, FNP Administrator, Practical Nurse Program was presented to response to Board Member questions.
- C. Members reviewed K. Ashe's previously Compliance and Accreditation-related Reports and considered it with agenda items. Denise Edinger, MSN, RN (Program Administrator) Laboure College, Associate Degree Program was present and available to respond to Board member questions.
- D. Members reviewed the following previously distributed documents addressing the stability of the MassBay Community College Associate Degree Nursing Program (Program): S. Varghese memo; C. Silveira 11/5/14 addendum to S. Varghese memo; S. Varghese 5/22/14 correspondence to P. Hartigan; 6/27/14 report submitted by P. Hartigan (excluding appendices); and supplemental report submitted by P. Collins. Members also reviewed the 4/28/14 correspondence to R. Harb from C. Panse, President, Massachusetts Bay Community College Professional Association and the 6/20/14 correspondence to S. Varghese from V. Ndoro. Dr. Patti-Ann Collins, Director of Nursing, was present to respond to Board member questions. Noting that the Board, at its 2/9/11 meeting, due to the Program's frequent turnover in administrators and the implementation of a major curriculum revision, had directed that the Program to limit the number of admissions to its day and evening formats (Fall 2010 for day format and Spring 2011 for evening format) for a period to be no less than three years and until such time as it provided satisfactory proof demonstrating *sustained* program stability; cease implementation of any new program formats that would result in an increase in admissions or enrollments; and to immediately notify the Board of the resignation or termination of any Program faculty, inclusive of the Program administrator, Ms. Silveira highlighted the following issues identified by staff: lack of consistent nursing leadership and management oversight since February 2011 as evidenced by the appointment of four administrators (Ms. Cohen, Hartigan and Malia, and Dr. Collins) in addition to former Dean Mackey; lack of continuity among faculty due to faculty turnover since February 2011 to December 2013; declining student admissions (33% decline in day program between 2011 and 2013; 40% decline in evening program between 2011 and 2013; compared to approximately 8% decline between 2011 and 2013 among all MA Associate Degree nursing programs); and the findings of the 9/2012 National League for Nursing Accrediting Commission accreditation survey may reflect a lack of consistent administrative oversight and faculty turnover.

She also noted the following mitigating factors: Dr. Collins, who possesses expertise in management and administration in clinical and academic settings including at the community college level, has been appointed to a newly implemented Director of Nursing position in which she serves as Program administrator (this position does not include teaching responsibilities and among other duties includes providing support to chairs and faculty to develop/implement policies and services; and

arbitrating student problems regarding academic program requirements); the 2010 through 2013 NCLEX-RN ® pass rates have stabilized and have been above the state and national pass rates; the 2011-2013 Annual Reports submitted by the Program administrators under the pains of perjury each include faculty lists which demonstrate compliance with 244 CMR 6.04(5)(b); correspondence received by the Board from Dean Davis and the Program administrators since February 2011 have notified the Board of administrator and faculty changes; the Program is delaying the start of its evening format and has placed a moratorium on its LPN to RN Bridge format; the Program maintains published policies for student progression, and student rights and grievances as required at 244 CMR 6.04(3)(a)2; and the Program has recently implemented a new Systematic Evaluation Plan.

Dr. Collins reported that in September 2014 Program faculty requested and received a new “union” representative. She also indicated that she wished to withdraw the previously submitted 244 CMR 6.06(2) waiver request; Ms. Silveira reported she would review the request at a later date.

- E. Members reviewed Ms. Silveira’s previously distributed memo. Ms. Silveira highlighted that: the Michigan English Language Assessment Battery (MELAB) standard setting panel convened by the National Council of State Boards of Nursing (NCSBN) did in fact discuss setting separate minimum scores for the four sections of the test but that the panel members ultimately considered achieving an overall score sufficient for safe and effective entry-level nursing practice and recommended an overall score instead of four separate section scores, according to Ada Woo, PhD, Director of Measurement and Testing, Examinations, NCSBN; and Jayanti Banerjee, PhD, Research Director, Cambridge Michigan Language Assessments explained in her 10/27/14 email correspondence that while “...high scores in one section of a test can compensate for low scores in another section of the test are theoretically feasible, in practice, such stepped/jagged profiles are more likely a lower levels of language proficiency”; and that “...ultimately all the evidence points to the NCSBN standard being very appropriate”

Ms. Silveira also noted that Dr. Banerjee provided an analysis of the score profiles for all MELAB test takers in the period 2012-2013 who received a score of 81 or higher, finding that almost 90% of the test takers who received an total score of 81 or higher, also achieved a score of 75 or higher in the individual sections. However, based on this analysis, Dr. Banerjee offered an alternative for the Board to consider: set minimum sections scores at 78 for Listening, 74 for Reading and 75 for Writing.

Member, S. Taylor, stated that in light of Dr. Banerjee’s analysis, she was still concerned that 10% of test takers could perform poorly on the individual MELAB sections and potentially achieve a total score of 81.

ACTION:

A. Motion by K. Gehly, seconded S. Taylor, and unanimously voted to: Find compliance with regulation 244 CMR 6.04(1) (c) & (1)(f) in the notification of the appointment of:

- Sheri A. Kline, MSN, RN, (Program Administrator) Interim Practical Nursing Coordinator, Blackstone Valley Regional Vocational Technical High School, Practical Nursing Program, effective August 13, 2014 to October 1, 2014;
- Joann L. Monks, MBA, MSc, RN-BC, RMA, (Program Administrator) Practical Nursing Coordinator, Blackstone Valley Regional Vocational Technical High School, Practical Nursing Program;
- Patricia McPeak-LaRocca, MSN, RN, (Program Administrator) Department Chair, Associate Degree Nursing Program, Springfield Technical Community College; and

- Maureen McCann MSN, RN, Interim Instructor /Lead Teacher, (Program Administrator), Practical Nursing Program, Blue Hills Regional Technical.

- B. 1. Motion by B. Levin, seconded by J. Killion, and unanimously passed to find the Full Approval status application, and the 2012 and 2013 NCLEX performance evaluation report submitted by the Bay State College Associate Degree Nursing Program demonstrate the program's ability to maintain ongoing compliance with 244 CMR 6.04; and to grant Full Approval status to the Bay State College Associate Degree Nursing Program.
- B. 2. Motion by C. Urena, seconded by M. Beal and unanimously passed to grant Full Approval Status to Bunker Hill Community College, Practical Nurse Program with the following recommendation to be completed with the submission of the nursing program's Board Annual Report for 2015 by November 1, 2015;
- Ensure the nursing program student handbook addresses all 11 policies outlined in 244 CMR 6.04(3) (a) b, including a statement/statements to describe that the nursing program does not have policies of course exemption, advanced placement, or transfer.
 - Ensure that the educational mobility statement highlighted in the Full Approval application (6.04(3)(a) on pg. 19) is included in the nursing program student handbook.
 - Ensure that the Maintenance and Retirement of Records policy under 244 CMR 6.04 (1) (g) identifies a plan of retirement for all student, faculty and program records maintained by the nursing program.
- C. 1. Motion by S. Taylor, seconded by M. Beal, and unanimously voted to grant waiver of 244 CMR 6.06(1)(a) to American International College, RN Baccalaureate Program, based on the findings and recommendations of the Board-recognized accrediting agency in nursing, and the Program's Annual Reports to the Board.
- C. 2. Motion by K. Gehly, seconded by S. Taylor, and unanimously voted to grant waiver of 244 CMR 6.06(1)(a) to Laboure College, RN Associate Degree Nursing, based on review of the findings and recommendations of the Board-recognized accrediting agency in nursing, and Program's Annual Report to the Board, with recommendations:
1. Due on October 1, 2015, a progress report outlining compliance with the ACEN recommendations, including:
 - a. the Follow-Up Report as submitted to ACEN
 - b. there is evidence the evaluation plan emphasizes the ongoing assessment and evaluation of the student learning outcomes, the program outcomes and ACEN standards [ref: 244 CMR 6.04(1)(e)].
 - c. there is evidence that aggregated evaluation findings inform program decision-making [ref: 244 CMR 6.04(1)(e)].
 - d. there is evidence that students participate in governance of the parent institution and the program (ref: 244 CMR 6.04 (1) (b)).
 - e. there is evidence that student policies of the education unit related to admissions are public accessible, non-discriminatory and consistently applied (ref: 244CMR 6.04 1(d) and (3)(a)1,(3)(a)2,and(3)(a) 3}
 - f. there is evidence the program provides current and comprehensive learning resources developed with faculty input and are available and assessable to students[ref:244 CMR 6.04 (5)(c)].
 2. Written evidence of the action taken by the ACEN Board of Commissioners, following review of the Follow-Up Report, with continued accreditation of the nursing program with the next evaluation visit scheduled for spring 2021, or denying continuing

accreditation. The findings of the ACEN Board of Commissioners will be reported to the Board within 30 days of receipt by the nursing program administrator.

- D. Prior to a motion on this matter, Board member, S. Taylor, disclosed that she knows Dr. Collins professionally, has no financial interest in Massachusetts Bay Community College and can maintain her objectivity related to this matter. Motion by J. Killion, seconded by K. Gehly, and unanimously passed to:
1. Find:
 - a. the Massachusetts Bay Community College Associate Degree Nursing Program (Program) has not yet demonstrated *sustained* programmatic stability;
 - b. there is no evidence of the Program knowingly providing false or misleading information to the Board regarding administrator and faculty appointments;
 - c. an experienced Program administrator has been appointed to the newly implemented role of Director of Nursing and that the duties of this position emphasize management and administration; and
 - d. that while the regulations at 244 CMR 6.04 do not address conflict resolution among employers and their employees or workplace safety, it is noted that Program faculty concerns are being addressed and the Board encourages both the Program faculty and institutional administration to continue to work together to resolve employment issues and to promote workplace safety.
 2. Continue the Program's Full Approval status, directing the Program to:
 - a. maintain its cap on admissions to both the day and evening formats (i.e. Fall 2010 admissions for day option and Spring 2011 for evening option) pending the Board's finding of *sustained* programmatic stability;
 - b. update the Board of faculty resignations and terminations within 30 days of the conclusion of the Fall 2014, Spring 2015 and Fall 2015 semesters in lieu of immediately reporting such faculty changes; and
 - c. submit a report to the Board within 30 days of the conclusion of the Fall 2015 semester addressing programmatic stability including, but not limited to, faculty turnover, orientation of new faculty to ensure the integrity the educational process, and student admissions and enrollments.
- E. Motion by K. Gehly, seconded by B. Levin, and passed with S. Taylor in opposition to:
1. Find that the Michigan English Language Assessment Battery (MELAB) Standard Setting Panel convened by the National Council of State Boards of Nursing, using a recognized standard setting process, discussed separate minimum scores for the four sections of the MELAB but that the panel members ultimately considered achieving an overall score sufficient for safe and effective entry-level nursing practice and recommended an overall score instead of four separate section scores;
 2. Identify the Michigan English Language Assessment Battery as a Board-designated test of English proficiency and therefore acceptable in fulfilling compliance with regulations 244 CMR 8.02(1)(c), 8.03(1)(c) and 8.04(1)(c), (2)(d) and (3)(d), adopting the National Council of State Boards of Nursing-recommended minimum total pass score of 81 and a speaking section score of 3; and
 3. Revise Licensure Policy 06-01 to include the Michigan English Language Assessment Battery with minimum total pass score of 81 and a speaking section score of 3 as a Board-designated test of English proficiency.
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TOPIC:

Appointment to Plymouth SAREC

DISCUSSION:

The SARP Coordinator presented the qualifications and educational/professional background of two candidates for open SAREC seats in Plymouth.

ACTION:

Motion by S. Taylor, seconded by B. Levin, and unanimously passed to appoint M. Zabriskie, LPN and A. Kratzsch, Public Member to the Plymouth SAREC.

TOPIC:

The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) Overview

DISCUSSION:

D.M. DeVaux highlighted the key points in the previously distributed memo and provided an overview of changes to Substance Use terminology and classifications.

ACTION:

So noted.

TOPIC:

Flex Session

A. Announcements

B. Topics for Next Agenda

DISCUSSION:

R. Harb asked Board members if they would like staff to plan for a holiday celebration luncheon to follow their previously scheduled meeting on December 10, 2014

ACTION:

Board members unanimously agreed to have a holiday luncheon in December

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None

ACTION:

Motion by C. Simonian, seconded by M. Beal, and unanimously passed by roll call vote to go into Executive Session at 10:10 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 10:10 a.m. to 11:35 a.m.

Recess 11:35 a.m. to 11:55 a.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by M. Beal, and unanimously passed by roll call vote to go into Adjudicatory Session at 11:55 p.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 11:55 a.m. to 11:58 a.m.

TOPIC:

G.L. c. 112, s. 65C Session

DISCUSSION:

None

ACTION:

Motion by C. Simonian, seconded by C. Urena, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 11:58 a.m. to discuss negotiated settlements of complaints.

G.L. c. 112, s. 65C Session 11:58 a.m. to 12:55 p.m.

TOPIC:

Adjournment

DISCUSSION:

None

ACTION:

Motion by C. Urena, seconded by C. Simonian, and unanimously passed to adjourn the meeting at 12:55 p.m.

Respectfully submitted by:



Rula Harb, MS, RN, Executive Director
Board of Registration in Nursing

Agenda with exhibits list attached

COMMONWEALTH OF MASSACHUSETTS

**NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSING**

November 12, 2014

239 Causeway Street ~ Room 417 A&B
Boston, Massachusetts 02114

PRELIMINARY AGENDA AS OF 11/5/2014 4:26 PM

Estimated Time	#	1. Item	Exhibits	Presented by
9:00 a.m.	I.	2. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF BOARD MINUTES A. Draft Minutes for the October 8, 2014 Meeting of the Board of Registration in Nursing, Regular Session	Minutes	
	IV.	REPORTS A. Executive Director's Report B. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice 4. Education 5. Complaint Resolution 6. SARP	Report None None Report Report Report Report	RH CS LT KA AF/HC VI/DM
	V.	CONSENSUS AGENDA A. NCSBN Update B. Coalition for the Prevention of Medical Errors Update C. 2014 Quarter 3 NCLEX Reports	Report	LT LT KA
	VI.	COMPLAINT RESOLUTION None		

	VII. EDUCATION C. 244 CMR 6.04(1)(c) and (1)(f) Administrative Changes 1. Blackstone Valley Regional Technical School 2. Blackstone Valley Regional Technical School 3. Blue Hills Vocational Technical School 4. Springfield Technical Community College B. 244 CMR 6.05(3) Full Approval Status Applications 1. Bay State College RN Associate Degree Program 2. Bunker Hill Community College Practical Nursing C. 244 CMR 6.06(2) Onsite Survey Waiver Requests 1. American International College, RN Baccalaureate Program 2. Laboure College, RN Associate Degree Nursing D. MassBay Community College RN Associate Degree Program Review of Program Stability E. Licensure Policy 06-01: Proposed Revision	Memo Memo Compliance & Accreditation-related Reports Ibid	KA CS KA KA CS CS	
Estimated Time	#	3. Item	Exhibits	Presented by
	VIII. REQUESTS FOR LICENSE REINSTATEMENT None			
	IX. APPOINTMENT TO PLYMOUTH SAREC A. A. Kratzsch - Public Member B. M. Zabriskie - LPN		Memo	DMD
	X. THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, FIFTH EDITION (DSM-5) OVERVIEW		Memo	DMD/VI
	XI. FLEX SESSION A. Announcements B. Topics for Next Agenda			
10:00 a.m.	XII. EXECUTIVE SESSION The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. 1. Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants. 2. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for probation and license status changes. 3. Approval of prior executive session minutes in accordance with M.G.L. c.30A, § 22(f) for sessions held during the October 8, 2014 meeting.	CLOSED SESSION		
	XIII. ADJUDICATORY SESSION (M.G.L. c. 30A, § 18)	CLOSED SESSION		

Noon		LUNCH	
	XIV.	M.G.L. c. 112, § 65C SESSION	CLOSED SESSION
2:00 p.m.	XV.	ADJOURNMENT	